

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 71-5, CREATING THE PALM BEACH COUNTY **TRANSPORTATION (CITIZEN'S) ADVISORY BOARD**, AS PREVIOUSLY AMENDED BY ORDINANCE 72-15, ORDINANCE 72-20 AND ORDINANCE 78-25; ESTABLISHING MEMBERSHIP TO CONFORM WITH THE EXPANSION OF THE BOARD OF COUNTY COMMISSIONERS TO SEVEN (7) MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR EFFECTIVE DATE

WHEREAS, the Board of County Commissioners of Palm Beach County created the Palm Beach County Transportation (Citizen's) Advisory Board by the enactment of Palm Beach County Ordinance No. 71-5; and

WHEREAS, it is necessary that the membership provisions of the Ordinance be amended to reflect the expansion of the Board of County Commissioners to seven (7) members in November, 1990; and

WHEREAS, it has become necessary to amend a section of the Ordinance in order to best carry out the duties of the Palm Beach County Transportation (Citizen's) Advisory Board, as created thereunder.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

Ordinance 71-5, as previously amended by Ordinance No. 72-15, Ordinance 72-20 and Ordinance 78-25 is hereby amended as follows:

Section 5. - ADVISORY BOARD ESTABLISHED

A. A Palm Beach County Transportation (Citizen's) Advisory Board is hereby created and established. The members of the advisory board shall be citizens of the United States and qualified electors of Palm Beach County with outstanding reputations for civic pride, interest, integrity, responsibility and business ability. Members of the advisory board shall not hold any County, State, or Federal public office or employment, nor shall they accept any gift, favor or service that might reasonably tend improperly to influence them in the discharge of their official duties. That in the event any member of the advisory board has an interest in any business entity, as defined in Section 112.313(2), Florida Statutes, 1971, which is subject to the regulation of, or which has substantial business commitments with Palm Beach County, said member shall file a sworn statement disclosing such interest

with the Clerk of the Board of County Commissioners of Palm Beach County. No member of the advisory board shall use, or attempt to use, his official position to secure special privileges or exemptions for himself or others, except as may be otherwise provided for by law. No member of the advisory board shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position, nor shall he otherwise use such information for his personal gain or benefit. No member of the advisory board shall accept other employment which might impair his independence of judgment in the performance of his public duty and membership responsibility. No member of the advisory board shall receive any compensation for his services as a board member and further, he shall not receive any compensation from any other source for membership upon the advisory board. No member of the advisory board shall transact any business in his official capacity with any business entity of which he is an officer, director, agent or member or in which he owns a controlling interest. No member of the advisory board shall have personal investments in any enterprise which will create a substantial conflict between his private enterprise and the public interest as a member of the advisory board. No member of the advisory board, while serving in such capacity, shall become a candidate for election to County, State or Federal office or hold any other County, State or Federal public or governmental office.

B. The advisory board shall consist of ~~ten~~ nine (9) members appointed by the County Commission. Each Commissioner shall nominate one (1) person to serve on the Transportation (Citizen's) Advisory Board. The nominations shall be subject to the confirmation of a majority vote of the Board of County Commissioners. The remaining two (2) members shall be appointed at-large by a majority vote of the County Commissioners. All members of the Transportation (Citizen's) Advisory Board must be residents of Palm Beach County, Florida. Three (3) members shall hold office for terms of one (1) year, three (3) members shall hold

office for terms of two (2) years, and ~~two~~ three (3) members shall hold office for terms of three (3) years, as designated by the County Commission at the time of their appointment. All existing members ~~shall be privileged to serve out the remainder of their originally appointed respective terms~~ shall remain until the reconstitution of this advisory board, pursuant to the provisions of this Ordinance. Each member shall be eligible for reappointment and shall hold office until his successor is duly appointed and qualified. Any member appointed to serve in lieu of any member on account of death, resignation or disability of such member, shall serve only for the unexpired term of such member. After the initial appointments, each term of office shall be for a period of four (4) years. No member may serve more than eight (8) years. Each member shall serve at the pleasure of the appointing County Commissioner.

C. Any member of the advisory board may be removed from office by two-thirds (2/3) vote of the entire membership of the County Commission for malfeasance, misfeasance, or non-feasance in office, upon specific charges filed with the Commission. However, before a member may be removed, he must be served with a copy of the charges filed against him at least ten (10) days before action thereon by the Commission and given an opportunity to be heard in person, or by counsel, at a public hearing requested in writing.

D. Advisory board members shall serve without compensation but shall be entitled to be reimbursed for necessary expenses incurred in the performance of their official duties, upon approval by the County Commission; provided the same is budgeted for the advisory board from revenues accruing from the operation of the county transit system.

INCLUSION IN CODE

It is the intention of the County Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that

the word "ordinance" may be changed to "section", "article", or other appropriate word.

APPLICABILITY

It is hereby provided that this ordinance shall constitute a uniform law applicable to all unincorporated and incorporated areas in Palm Beach County to the extent provided by the Florida Constitution, Article VIII, Section.

SEVERABILITY

If any section, sub-section, sentence, clause or provision for this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt of acknowledgement from the Florida Department of State of official acknowledgement that this Ordinance has been filed with the said Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this 22nd day of January, 1991.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By: [Signature]

Chair

JOHN B. DUNKLE, CLERK
Board of County Commissioners

By: [Signature]

DEPUTY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: [Signature]

County Attorney

Acknowledged by the Department of State, State of Florida, on the 30th day of January, 1991

EFFECTIVE DATE: Acknowledgement from the Department of State received on the 5th day of February, 1991 at 11:55a. and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 1/22/91
DATED at West Palm Beach, FL on 2/4/91
JOHN B. DUNKLE, Clerk
By: [Signature] D.C.